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WASHINGTON DC 20004

In re Application of :
NOJO et al. :
Application No.: 10/534,699 : DECISION
PCT No.: PCT/US2003/036618 :
Int. Filing Date: 13 November 2003 :
Priority Date: 13 November 2002 :
Attorney's Docket No.: 063254-0233-US :
For: CHEMICAL MECHANICAL POLISHING :
COMPOSITION AND PROCESS :
:

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 04 November 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 November 2003, applicants filed international application PCT/US2003/036618, which designated the U.S. and claimed a priority date of 13 November 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 27 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 May 2005.

On 13 May 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 09 November 2007, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 13 August 2008, the USPTO mailed a NOTIFICATION OF ABANDONMENT

(Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 09 November 2007 within the time period set therein.

On 04 November 2008, applicants filed the instant petition under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a declaration of inventors.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Item (1) has not been satisfied. The declaration filed 04 November 2008 is an improper composite declaration, consisting of one page 1 and two page 2's. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents.

As to item (2), applicant submitted the petition fee on 04 November 2008. (As to the request for waiver of the fee for this petition, such a request must be accompanied by the petition fee set forth in 37 CFR 1.17(f).)

As to item (3), a grantable petition has not yet been provided.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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